

HIGH COURT OF JUDICATURE AT ALLAHABAD

SKV Law Offices Successfully Secures Quashing of Summons Before the Allahabad High Court

May 7, 2026, New Delhi: SKV Law Offices successfully represented the leadership of a conglomerate before the Hon'ble High Court of Judicature at Allahabad, securing the quashing of the summoning order dated 27.05.2025 passed by a trial court in Noida in a complaint case instituted under Sections 21 and 22 of the Maternity Benefit Act, 1961 read with Rules 3 and 16 of the Uttar Pradesh Maternity Benefit Rules, 1983.

Background

An Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was filed on behalf of the applicant assailing the validity of the summoning order dated 27.05.2025 passed by a trial court in Noida, as well as the entire proceedings arising out of the Complaint Case, instituted under Sections 21 and 22 of the Maternity Benefit Act, 1961 read with Rules 3 and 16 of the Uttar Pradesh Maternity Benefit Rules, 1983.

The complaint had been instituted by the Labour Enforcement Officer, alleging non-maintenance of the register prescribed in Form-A under Section 20 of the Act read with Rule 6 of the Rules, and non-submission of Forms L, M, N and O prescribed under Rule 16 of the Rules. Pursuant thereto, the trial court in Noida had taken cognizance and issued summons against the applicant.

Submissions by SKV Law Offices

SKV Law Offices, on behalf of the applicant, submitted that the procedure prescribed under Sections 223(1) and 225 of the Bharatiya Nagarik Suraksha Sanhita, 2023 had not been followed by the trial court prior to issuance of the impugned summoning order.

It was further contended that the impugned complaint contained no specific averments against the applicant disclosing

any active role or criminal intent, and that vicarious liability could not be fastened on a director merely by virtue of position, in the absence of an enabling statutory provision and specific allegations to that effect. It was urged that summoning in a criminal complaint is a serious matter requiring due application of judicial mind, and that the impugned summoning order, having been passed mechanically and without compliance with the mandatory procedural safeguards under the BNSS, was unsustainable in law and liable to be quashed.

Decision of the Hon'ble Court

By its order dated 05.05.2026, the Hon'ble High Court of Judicature at Allahabad, presided over by Hon'ble Mr. Justice Deepak Verma, was pleased to accept the submissions advanced on behalf of the applicant and accordingly quashed the summoning order dated 27.05.2025 issued by the trial court in Noida in the impugned complaint.

Significance

The order reaffirms the well-settled principle that compliance with the procedural safeguards under Sections 223(1) and 225 of the BNSS is mandatory, and that non-compliance vitiates the issuance of process.

It further underscores that summoning in a criminal complaint cannot be undertaken mechanically, and that cognizance taken in the absence of specific averments against the proposed accused, particularly where vicarious liability is sought to be fastened on a director or officer of a company, is liable to be set aside. From the perspective of officers and directors of corporate entities, the order provides meaningful protection against criminal proceedings instituted in disregard of the statutory framework and settled judicial precedent.

Team

Mr. Gopal S. Chaturvedi, Senior Advocate, along with Mr. Diptiman Singh, Advocate, appeared on behalf of the applicant. The matter was led by Mr. Shri Venkatesh, Founding Partner, assisted by Mr. Shryeshth Ramesh Sharma, Senior Partner, Mr. Abhishek Nangia, Counsel, Mr. Kunal Veer Chopra, Senior Associate, Mr. Nilesh Purohit, Associate, and Mr. Amol Rana, Associate, of SKV Law Offices, who appeared for the applicant.

FOR FURTHER INFORMATION PLEASE CONTACT

Kanika Chugh

MANAGING PARTNER

Kanika.chugh@skvlawoffices.com